

House Amendment to
Senate File 463

S-5031

1 Amend Senate File 463, as passed by the Senate, as follows:

2 1. Page 27, after line 17 by inserting:

3 <Sec. ____ . NEW SECTION. 147F.1 **Audiology and speech**
4 **language pathology interstate compact.**

5 1. *Purpose.* The purpose of this compact is to facilitate
6 interstate practice of audiology and speech language pathology
7 with the goal of improving public access to audiology and
8 speech language pathology services. The practice of audiology
9 and speech language pathology occurs in the state where the
10 patient, client, or student is located at the time of the
11 patient, client, or student encounter. The compact preserves
12 the regulatory authority of states to protect public health and
13 safety through the current system of state licensure. This
14 compact is designed to achieve the following objectives:

15 a. Increase public access to audiology and speech language
16 pathology services by providing for the mutual recognition of
17 other member state licenses.

18 b. Enhance the states' ability to protect the public's
19 health and safety.

20 c. Encourage the cooperation of member states in regulating
21 multistate audiology and speech language pathology practice.

22 d. Support spouses of relocating active duty military
23 personnel.

24 e. Enhance the exchange of licensure, investigative, and
25 disciplinary information between member states.

26 f. Allow a remote state to hold a provider of services with
27 a compact privilege in that state accountable to that state's
28 practice standards.

29 g. Allow for the use of telehealth technology to facilitate
30 increased access to audiology and speech language pathology
31 services.

32 2. *Definitions.* As used in this compact, and except as
33 otherwise provided, the following definitions shall apply:

34 a. "Active duty military" means full-time duty status in
35 the active uniformed service of the United States, including

1 members of the national guard and the reserves on active duty
2 orders pursuant to 10 U.S.C. §1209 and 10 U.S.C. §1211.

3 *b. "Adverse action"* means any administrative, civil,
4 equitable, or criminal action permitted by a state's laws which
5 is imposed by a licensing board or other authority against an
6 audiologist or speech language pathologist, including actions
7 against an individual's license or privilege to practice
8 such as revocation, suspension, probation, monitoring of the
9 licensee, or restriction of the licensee's practice.

10 *c. "Alternative program"* means a nondisciplinary monitoring
11 process approved by an audiology or speech language pathology
12 licensing board to address impaired practitioners.

13 *d. "Audiologist"* means an individual who is licensed by a
14 state to practice audiology.

15 *e. "Audiology"* means the care and services provided by
16 a licensed audiologist as set forth in the member state's
17 statutes and rules.

18 *f. "Audiology and speech language pathology compact
19 commission" or "commission"* means the national administrative
20 body whose membership consists of all states that have enacted
21 the compact.

22 *g. "Audiology and speech language pathology licensing board",
23 "audiology licensing board", "speech language pathology licensing
24 board", or "licensing board"* means the agency of a state that is
25 responsible for the licensing and regulation of audiologists or
26 speech language pathologists.

27 *h. "Compact privilege"* means the authorization granted by
28 a remote state to allow a licensee from another member state
29 to practice as an audiologist or speech language pathologist
30 in the remote state under its laws and rules. The practice of
31 audiology or speech language pathology occurs in the member
32 state where the patient, client, or student is located at the
33 time of the patient, client, or student encounter.

34 *i. "Current significant investigative information"* means
35 investigative information that a licensing board, after an

1 inquiry or investigation that includes notification and an
2 opportunity for the audiologist or speech language pathologist
3 to respond, if required by state law, has reason to believe is
4 not groundless and, if proved true, would indicate more than a
5 minor infraction.

6 *j. "Data system"* means a repository of information about
7 licensees, including but not limited to continuing education,
8 examination, licensure, investigative, compact privilege, and
9 adverse action.

10 *k. "Encumbered license"* means a license in which an adverse
11 action restricts the practice of audiology or speech language
12 pathology by the licensee and said adverse action has been
13 reported to the national practitioners data bank.

14 *l. "Executive committee"* means a group of directors elected
15 or appointed to act on behalf of, and within the powers granted
16 to them by, the commission.

17 *m. "Home state"* means the member state that is the
18 licensee's primary state of residence.

19 *n. "Impaired practitioner"* means an individual whose
20 professional practice is adversely affected by substance abuse,
21 addiction, or other health-related conditions.

22 *o. "Licensee"* means an individual who currently holds an
23 authorization from the state licensing board to practice as an
24 audiologist or speech language pathologist.

25 *p. "Member state"* means a state that has enacted the
26 compact.

27 *q. "Privilege to practice"* means a legal authorization
28 permitting the practice of audiology or speech language
29 pathology in a remote state.

30 *r. "Remote state"* means a member state, other than the home
31 state, where a licensee is exercising or seeking to exercise
32 the compact privilege.

33 *s. "Rule"* means a regulation, principle, or directive
34 promulgated by the commission that has the force of law.

35 *t. "Single-state license"* means an audiology or speech

1 language pathology license issued by a member state that
2 authorizes practice only within the issuing state and does not
3 include a privilege to practice in any other member state.

4 *u. "Speech language pathologist"* means an individual who is
5 licensed by a state to practice speech language pathology.

6 *v. "Speech language pathology"* means the care and services
7 provided by a licensed speech language pathologist as set forth
8 in the member state's statutes and rules.

9 *w. "State"* means any state, commonwealth, district, or
10 territory of the United States that regulates the practice of
11 audiology and speech language pathology.

12 *x. "State practice laws"* means a member state's laws, rules,
13 and regulations that govern the practice of audiology or speech
14 language pathology, define the scope of audiology or speech
15 language pathology practice, and create the methods and grounds
16 for imposing discipline.

17 *y. "Telehealth"* means the application of telecommunication,
18 audiovisual, or other technologies that meet the applicable
19 standard of care to deliver audiology or speech language
20 pathology services at a distance for assessment, intervention,
21 or consultation.

22 3. *State participation in the compact.*

23 *a.* A license issued to an audiologist or speech language
24 pathologist by a home state to a resident in that state
25 shall be recognized by each member state as authorizing
26 an audiologist or speech language pathologist to practice
27 audiology or speech language pathology, under a privilege to
28 practice, in each member state.

29 *b.* A state must implement or utilize procedures for
30 considering the criminal history records of applicants for
31 initial privilege to practice. These procedures shall include
32 the submission of fingerprints or other biometric-based
33 information by applicants for the purpose of obtaining an
34 applicant's criminal history record information from the
35 federal bureau of investigation and the agency responsible for

1 retaining that state's criminal records.

2 (1) A member state must fully implement a criminal
3 background check requirement, within a time frame established
4 by rule, by receiving the results of the federal bureau of
5 investigation record search on criminal background checks and
6 use the results in making licensure decisions.

7 (2) Communication between a member state, the commission,
8 and among member states regarding the verification of
9 eligibility for licensure through the compact shall not
10 include any information received from the federal bureau of
11 investigation relating to a federal criminal records check
12 performed by a member state under the Department of State,
13 Justice, and Commerce, the Judiciary, and Related Agencies
14 Appropriation Act, 1973, Pub. L. No. 92-544.

15 c. Upon application for a privilege to practice, the
16 licensing board in the issuing remote state shall ascertain,
17 through the data system, whether the applicant has ever held,
18 or is the holder of, a license issued by any other state,
19 whether there are any encumbrances on any license or privilege
20 to practice held by the applicant, and whether any adverse
21 action has been taken against any license or privilege to
22 practice held by the applicant.

23 d. Each member state shall require an applicant to obtain
24 or retain a license in the home state and meet the home state's
25 qualifications for licensure or renewal of licensure as well as
26 all other applicable state laws.

27 e. For an audiologist:

28 (1) Must meet one of the following educational
29 requirements:

30 (a) On or before December 31, 2007, has graduated with a
31 master's degree or doctorate in audiology, or equivalent degree
32 regardless of degree name, from a program that is accredited
33 by an accrediting agency recognized by the council for higher
34 education accreditation, or its successor, or by the United
35 States department of education and operated by a college or

1 university accredited by a regional or national accrediting
2 organization recognized by the board.

3 (b) On or after January 1, 2008, has graduated with a
4 doctoral degree in audiology, or equivalent degree regardless
5 of degree name, from a program that is accredited by an
6 accrediting agency recognized by the council for higher
7 education accreditation, or its successor, or by the United
8 States department of education and operated by a college or
9 university accredited by a regional or national accrediting
10 organization recognized by the board.

11 (c) Has graduated from an audiology program that is housed
12 in an institution of higher education outside of the United
13 States for which the program and institution have been approved
14 by the authorized accrediting body in the applicable country
15 and the degree program has been verified by an independent
16 credentials review agency to be comparable to a state licensing
17 board-approved program.

18 (2) Has completed a supervised clinical practicum
19 experience from an accredited educational institution or its
20 cooperating programs as required by the board.

21 (3) Has successfully passed a national examination approved
22 by the commission.

23 (4) Holds an active, unencumbered license.

24 (5) Has not been convicted or found guilty, and has not
25 entered into an agreed disposition, of a felony related to
26 the practice of audiology, under applicable state or federal
27 criminal law.

28 (6) Has a valid United States social security or national
29 practitioner identification number.

30 *f.* For a speech language pathologist:

31 (1) Must meet one of the following educational
32 requirements:

33 (a) Has graduated with a master's degree from a speech
34 language pathology program that is accredited by an
35 organization recognized by the United States department of

1 education and operated by a college or university accredited
2 by a regional or national accrediting organization recognized
3 by the board.

4 (b) Has graduated from a speech language pathology program
5 that is housed in an institution of higher education outside
6 of the United States for which the program and institution
7 have been approved by the authorized accrediting body in the
8 applicable country and the degree program has been verified by
9 an independent credentials review agency to be comparable to a
10 state licensing board-approved program.

11 (2) Has completed a supervised clinical practicum
12 experience from an educational institution or its cooperating
13 programs as required by the commission.

14 (3) Has completed a supervised postgraduate professional
15 experience as required by the commission.

16 (4) Has successfully passed a national examination approved
17 by the commission.

18 (5) Holds an active, unencumbered license.

19 (6) Has not been convicted or found guilty, and has not
20 entered into an agreed disposition, of a felony related to the
21 practice of speech language pathology, under applicable state
22 or federal criminal law.

23 (7) Has a valid United States social security or national
24 practitioner identification number.

25 *g.* The privilege to practice is derived from the home state
26 license.

27 *h.* An audiologist or speech language pathologist practicing
28 in a member state must comply with the state practice laws of
29 the state in which the client is located at the time service
30 is provided. The practice of audiology and speech language
31 pathology shall include all audiology and speech language
32 pathology practice as defined by the state practice laws of the
33 member state in which the client is located. The practice of
34 audiology and speech language pathology in a member state under
35 a privilege to practice shall subject an audiologist or speech

1 language pathologist to the jurisdiction of the licensing board
2 and the courts and the laws of the member state in which the
3 client is located at the time service is provided.

4 *i.* Individuals not residing in a member state shall continue
5 to be able to apply for a member state's single-state license
6 as provided under the laws of each member state. However, the
7 single-state license granted to these individuals shall not be
8 recognized as granting the privilege to practice audiology or
9 speech language pathology in any other member state. Nothing
10 in this compact shall affect the requirements established by a
11 member state for the issuance of a single-state license.

12 *j.* Member states may charge a fee for granting a compact
13 privilege.

14 *k.* Member states must comply with the bylaws and rules and
15 regulations of the commission.

16 4. *Compact privilege.*

17 *a.* To exercise the compact privilege under the terms and
18 provisions of the compact, the audiologist or speech language
19 pathologist shall do all of the following:

20 (1) Hold an active license in the home state.

21 (2) Have no encumbrance on any state license.

22 (3) Be eligible for a compact privilege in any member state
23 in accordance with subsection 3.

24 (4) Have not had any adverse action against any license or
25 compact privilege within the previous two years from date of
26 application.

27 (5) Notify the commission that the licensee is seeking the
28 compact privilege within a remote state.

29 (6) Pay any applicable fees, including any state fee, for
30 the compact privilege.

31 (7) Report to the commission adverse action taken by any
32 nonmember state within thirty days from the date the adverse
33 action is taken.

34 *b.* For the purposes of the compact privilege, an audiologist
35 or speech language pathologist shall only hold one home state

1 license at a time.

2 *c.* Except as provided in subsection 6, if an audiologist or
3 speech language pathologist changes primary state of residence
4 by moving between two member states, the audiologist or speech
5 language pathologist must apply for licensure in the new home
6 state, and the license issued by the prior home state shall be
7 deactivated in accordance with applicable rules adopted by the
8 commission.

9 *d.* The audiologist or speech language pathologist may apply
10 for licensure in advance of a change in the primary state of
11 residence.

12 *e.* A license shall not be issued by the new home state
13 until the audiologist or speech language pathologist provides
14 satisfactory evidence of a change in the primary state of
15 residence to the new home state and satisfies all applicable
16 requirements to obtain a license from the new home state.

17 *f.* If an audiologist or speech language pathologist changes
18 the primary state of residence by moving from a member state
19 to a nonmember state, the license issued by the prior home
20 state shall convert to a single-state license, valid only in
21 the former home state.

22 *g.* The compact privilege is valid until the expiration date
23 of the home state license. The licensee must comply with the
24 requirements of subsection 4, paragraph "a", to maintain the
25 compact privilege in the remote state.

26 *h.* A licensee providing audiology or speech language
27 pathology services in a remote state under the compact
28 privilege shall function within the laws and regulations of the
29 remote state.

30 *i.* A licensee providing audiology or speech language
31 pathology services in a remote state is subject to that state's
32 regulatory authority. A remote state may, in accordance with
33 due process and that state's laws, remove a licensee's compact
34 privilege in the remote state for a specific period of time,
35 impose fines, or take any other necessary actions to protect

1 the health and safety of its citizens.

2 *j.* If a home state license is encumbered, the licensee shall
3 lose the compact privilege in any remote state until both of
4 the following occur:

5 (1) The home state license is no longer encumbered.

6 (2) Two years have elapsed from the date of the adverse
7 action.

8 *k.* Once an encumbered license in the home state is restored
9 to good standing, the licensee must meet the requirements of
10 subsection 4, paragraph "a", to obtain a compact privilege in
11 any remote state.

12 *l.* Once the requirements of subsection 4, paragraph "j",
13 have been met, the licensee must meet the requirements in
14 subsection 4, paragraph "a", to obtain a compact privilege in a
15 remote state.

16 5. *Compact privilege to practice telehealth.*

17 *a.* Member states shall recognize the right of an audiologist
18 or speech language pathologist, licensed by a home state in
19 accordance with subsection 3 and under rules promulgated by
20 the commission, to practice audiology or speech language
21 pathology in any member state via telehealth under a privilege
22 to practice as provided in the compact and rules promulgated
23 by the commission.

24 *b.* A licensee providing audiology or speech language
25 pathology services in a remote state under the compact
26 privilege shall function within the laws and regulations of the
27 state where the patient or client is located.

28 6. *Active duty military personnel or their spouses.*

29 Active duty military personnel, or their spouse, shall
30 designate a home state where the individual has a current
31 license in good standing. The individual may retain the
32 home state designation during the period the service member
33 is on active duty. Subsequent to designating a home state,
34 the individual shall only change their home state through
35 application for licensure in the new state.

1 7. *Adverse actions.*

2 *a.* In addition to the other powers conferred by state law,
3 a remote state shall have the authority, in accordance with
4 existing state due process law, to do all of the following:

5 (1) Take adverse action against an audiologist's or speech
6 language pathologist's privilege to practice within that member
7 state.

8 (2) Issue subpoenas for both hearings and investigations
9 that require the attendance and testimony of witnesses as well
10 as the production of evidence. Subpoenas issued by a licensing
11 board in a member state for the attendance and testimony of
12 witnesses or the production of evidence from another member
13 state shall be enforced in the latter state by any court of
14 competent jurisdiction, according to the practice and procedure
15 of that court applicable to subpoenas issued in proceedings
16 pending before it. The issuing authority shall pay any witness
17 fees, travel expenses, mileage, and other fees required by
18 the service statutes of the state in which the witnesses or
19 evidence are located.

20 (3) Only the home state shall have the power to take
21 adverse action against an audiologist's or speech language
22 pathologist's license issued by the home state.

23 *b.* For purposes of taking adverse action, the home state
24 shall give the same priority and effect to reported conduct
25 received from a member state as it would if the conduct had
26 occurred within the home state. In so doing, the home state
27 shall apply its own state laws to determine appropriate action.

28 *c.* The home state shall complete any pending investigations
29 of an audiologist or speech language pathologist who
30 changes primary state of residence during the course of the
31 investigations. The home state shall also have the authority
32 to take appropriate action and shall promptly report the
33 conclusions of the investigations to the administrator of
34 the data system. The administrator of the data system shall
35 promptly notify the new home state of any adverse actions.

1 *d.* If otherwise permitted by state law, the member state
2 may recover from the affected audiologist or speech language
3 pathologist the costs of investigations and disposition of
4 cases resulting from any adverse action taken against that
5 audiologist or speech language pathologist.

6 *e.* The member state may take adverse action based on the
7 factual findings of the remote state, provided that the member
8 state follows the member state's own procedures for taking the
9 adverse action.

10 *f. Joint investigations.*

11 (1) In addition to the authority granted to a member state
12 by its respective audiology or speech language pathology
13 practice act or other applicable state law, any member
14 state may participate with other member states in joint
15 investigations of licensees.

16 (2) Member states shall share any investigative,
17 litigation, or compliance materials in furtherance of any joint
18 or individual investigation initiated under the compact.

19 *g.* If adverse action is taken by the home state against an
20 audiologist's or speech language pathologist's license, the
21 audiologist's or speech language pathologist's privilege to
22 practice in all other member states shall be deactivated until
23 all encumbrances have been removed from the home state license.
24 All home state disciplinary orders that impose adverse action
25 against an audiologist's or speech language pathologist's
26 license shall include a statement that the audiologist's
27 or speech language pathologist's privilege to practice is
28 deactivated in all member states during the pendency of the
29 order.

30 *h.* If a member state takes adverse action, it shall promptly
31 notify the administrator of the data system. The administrator
32 of the data system shall promptly notify the home state of any
33 adverse actions by remote states.

34 *i.* Nothing in this compact shall override a member state's
35 decision that participation in an alternative program may be

1 used in lieu of adverse action.

2 8. *Establishment of the audiology and speech language*
3 *pathology compact commission.*

4 a. The compact member states hereby create and establish a
5 joint public agency known as the audiology and speech language
6 pathology compact commission.

7 (1) The commission is an instrumentality of the compact
8 states.

9 (2) Venue is proper and judicial proceedings by or against
10 the commission shall be brought solely and exclusively in a
11 court of competent jurisdiction where the principal office of
12 the commission is located. The commission may waive venue and
13 jurisdictional defenses to the extent it adopts or consents to
14 participate in alternative dispute resolution proceedings.

15 (3) Nothing in this compact shall be construed to be a
16 waiver of sovereign immunity.

17 b. *Membership, voting, and meetings.*

18 (1) Each member state shall have two delegates selected
19 by that member state's licensing board. The delegates shall
20 be current members of the licensing board. One shall be an
21 audiologist and one shall be a speech language pathologist.

22 (2) An additional five delegates, who are either a public
23 member or board administrator from a state licensing board,
24 shall be chosen by the executive committee from a pool of
25 nominees provided by the commission at large.

26 (3) Any delegate may be removed or suspended from office
27 as provided by the law of the state from which the delegate is
28 appointed.

29 (4) The member state board shall fill any vacancy occurring
30 on the commission within ninety days of a vacancy.

31 (5) Each delegate shall be entitled to one vote with regard
32 to the promulgation of rules and creation of bylaws and shall
33 otherwise have an opportunity to participate in the business
34 and affairs of the commission.

35 (6) A delegate shall vote in person or by other means as

1 provided in the bylaws. The bylaws may provide for delegates'
2 participation in meetings by telephone or other means of
3 communication.

4 (7) The commission shall meet at least once during each
5 calendar year. Additional meetings shall be held as set forth
6 in the bylaws.

7 c. The commission shall have the following powers and
8 duties:

9 (1) Establish the fiscal year of the commission.

10 (2) Establish bylaws.

11 (3) Establish a code of ethics.

12 (4) Maintain its financial records in accordance with the
13 bylaws.

14 (5) Meet and take actions as are consistent with the
15 provisions of this compact and the bylaws.

16 (6) Promulgate uniform rules to facilitate and coordinate
17 implementation and administration of this compact. The rules
18 shall have the force and effect of law and shall be binding in
19 all member states to the extent and in the manner provided for
20 in the compact.

21 (7) Bring and prosecute legal proceedings or actions in the
22 name of the commission, provided that the standing of any state
23 audiology or speech language pathology licensing board to sue
24 or be sued under applicable law shall not be affected.

25 (8) Purchase and maintain insurance and bonds.

26 (9) Borrow, accept, or contract for services of personnel,
27 including but not limited to employees of a member state.

28 (10) Hire employees, elect or appoint officers, fix
29 compensation, define duties, grant individuals appropriate
30 authority to carry out the purposes of the compact, and
31 establish the commission's personnel policies and programs
32 relating to conflicts of interest, qualifications of personnel,
33 and other related personnel matters.

34 (11) Accept any and all appropriate donations and grants
35 of money, equipment, supplies, materials, and services, and

1 receive, utilize and dispose of the same; provided that at all
2 times the commission shall avoid any appearance of impropriety
3 or conflict of interest.

4 (12) Lease, purchase, accept appropriate gifts or donations
5 of, or otherwise own, hold, improve, or use, any property,
6 real, personal, or mixed; provided that at all times the
7 commission shall avoid any appearance of impropriety.

8 (13) Sell, convey, mortgage, pledge, lease, exchange,
9 abandon, or otherwise dispose of any property real, personal,
10 or mixed.

11 (14) Establish a budget and make expenditures.

12 (15) Borrow money.

13 (16) Appoint committees, including standing committees
14 composed of members, and other interested persons as may be
15 designated in this compact and the bylaws.

16 (17) Provide and receive information from, and cooperate
17 with, law enforcement agencies.

18 (18) Establish and elect an executive committee.

19 (19) Perform other functions as may be necessary or
20 appropriate to achieve the purposes of this compact consistent
21 with the state regulation of audiology and speech language
22 pathology licensure and practice.

23 *d.* The commission shall have no authority to change or
24 modify the laws of the member states which define the practice
25 of audiology and speech language pathology in the respective
26 states.

27 *e. The executive committee.* The executive committee shall
28 have the power to act on behalf of the commission according to
29 the terms of this compact.

30 (1) The executive committee shall be composed of ten
31 members:

32 (a) Seven voting members who are elected by the commission
33 from the current membership of the commission.

34 (b) Two ex officio members, consisting of one nonvoting
35 member from a recognized national audiology professional

1 association and one nonvoting member from a recognized national
2 speech language pathology association.

3 (c) One ex officio, nonvoting member from the recognized
4 membership organization of the audiology and speech language
5 pathology licensing boards.

6 (d) The ex officio members shall be selected by their
7 respective organizations.

8 (2) The commission may remove any member of the executive
9 committee as provided in the bylaws.

10 (3) The executive committee shall meet at least annually.

11 (4) The executive committee shall have the following duties
12 and responsibilities:

13 (a) Recommend to the entire commission changes to the rules
14 or bylaws, changes to this compact, fees paid by compact member
15 states such as annual dues, and any commission compact fee
16 charged to licensees for the compact privilege.

17 (b) Ensure compact administration services are
18 appropriately provided, contractual or otherwise.

19 (c) Prepare and recommend the budget.

20 (d) Maintain financial records on behalf of the commission.

21 (e) Monitor compact compliance of member states and provide
22 compliance reports to the commission.

23 (f) Establish additional committees as necessary.

24 (g) Other duties as provided in rules or bylaws.

25 (5) *Meetings of the commission.*

26 All meetings shall be open to the public, and public notice
27 of meetings shall be given in the same manner as required under
28 the rulemaking provisions in subsection 10.

29 (6) (a) The commission or the executive committee or other
30 committees of the commission may convene in a closed, nonpublic
31 meeting if the commission or executive committee or other
32 committees of the commission must discuss any of the following:

33 (i) Noncompliance of a member state with its obligations
34 under the compact.

35 (ii) The employment, compensation, discipline, or other

1 matters, practices, or procedures related to specific employees
2 or other matters related to the commission's internal personnel
3 practices and procedures.

4 (iii) Current, threatened, or reasonably anticipated
5 litigation.

6 (iv) Negotiation of contracts for the purchase, lease, or
7 sale of goods, services, or real estate.

8 (v) Accusing any person of a crime or formally censuring any
9 person.

10 (vi) Disclosure of trade secrets or commercial or financial
11 information that is privileged or confidential.

12 (vii) Disclosure of information of a personal nature where
13 disclosure would constitute a clearly unwarranted invasion of
14 personal privacy.

15 (viii) Disclosure of investigative records compiled for law
16 enforcement purposes.

17 (ix) Disclosure of information related to any investigative
18 reports prepared by or on behalf of or for use of the
19 commission or other committee charged with responsibility of
20 investigation or determination of compliance issues pursuant
21 to the compact.

22 (x) Matters specifically exempted from disclosure by
23 federal or member state statute.

24 (b) If a meeting, or portion of a meeting, is closed
25 pursuant to this provision, the commission's legal counsel or
26 designee shall certify that the meeting may be closed and shall
27 reference each relevant exempting provision.

28 (7) The commission shall keep minutes that fully and clearly
29 describe all matters discussed in a meeting and shall provide
30 a full and accurate summary of actions taken, and the reasons
31 therefor, including a description of the views expressed. All
32 documents considered in connection with an action shall be
33 identified in such minutes. All minutes and documents of a
34 closed meeting shall remain under seal, subject to release
35 by a majority vote of the commission or order of a court of

1 competent jurisdiction.

2 (8) *Financing the commission.*

3 (a) The commission shall pay, or provide for the payment of,
4 the reasonable expenses of its establishment, organization, and
5 ongoing activities.

6 (b) The commission may accept any and all appropriate
7 revenue sources, donations, and grants of money, equipment,
8 supplies, materials, and services.

9 (c) The commission may levy on and collect an annual
10 assessment from each member state or impose fees on other
11 parties to cover the cost of the operations and activities
12 of the commission and its staff, which must be in a total
13 amount sufficient to cover its annual budget as approved each
14 year for which revenue is not provided by other sources. The
15 aggregate annual assessment amount shall be allocated based
16 upon a formula to be determined by the commission, which shall
17 promulgate a rule binding upon all member states.

18 (d) The commission shall not incur obligations of any kind
19 prior to securing the funds adequate to meet the same; nor
20 shall the commission pledge the credit of any of the member
21 states, except by and with the authority of the member state.

22 (e) The commission shall keep accurate accounts of all
23 receipts and disbursements. The receipts and disbursements of
24 the commission shall be subject to the audit and accounting
25 procedures established under its bylaws. However, all receipts
26 and disbursements of funds handled by the commission shall be
27 audited yearly by a certified or licensed public accountant,
28 and the report of the audit shall be included in and become
29 part of the annual report of the commission.

30 *f. Qualified immunity, defense, and indemnification.*

31 (1) The members, officers, executive director, employees,
32 and representatives of the commission shall be immune from
33 suit and liability, either personally or in their official
34 capacity, for any claim for damage to or loss of property or
35 personal injury or other civil liability caused by or arising

1 out of any actual or alleged act, error, or omission that
2 occurred, or that the person against whom the claim is made had
3 a reasonable basis for believing occurred within the scope of
4 commission employment, duties, or responsibilities; provided
5 that nothing in this paragraph "f" shall be construed to protect
6 any person from suit or liability for any damage, loss, injury,
7 or liability caused by the intentional, willful, or wanton
8 misconduct of that person.

9 (2) The commission shall defend any member, officer,
10 executive director, employee, or representative of the
11 commission in any civil action seeking to impose liability
12 arising out of any actual or alleged act, error, or omission
13 that occurred within the scope of commission employment,
14 duties, or responsibilities, or that the person against
15 whom the claim is made had a reasonable basis for believing
16 occurred within the scope of commission employment, duties,
17 or responsibilities; provided that nothing herein shall be
18 construed to prohibit that person from retaining the person's
19 own counsel; and provided further, that the actual or alleged
20 act, error, or omission did not result from that person's
21 intentional, willful, or wanton misconduct.

22 (3) The commission shall indemnify and hold harmless
23 any member, officer, executive director, employee, or
24 representative of the commission for the amount of any
25 settlement or judgment obtained against that person arising
26 out of any actual or alleged act, error, or omission that
27 occurred within the scope of commission employment, duties,
28 or responsibilities, or that such person had a reasonable
29 basis for believing occurred within the scope of commission
30 employment, duties, or responsibilities, provided that the
31 actual or alleged act, error, or omission did not result from
32 the intentional, willful, or wanton misconduct of that person.

33 9. *Data system.*

34 a. The commission shall provide for the development,
35 maintenance, and utilization of a coordinated database and

1 reporting system containing licensure, adverse action, and
2 investigative information on all licensed individuals in member
3 states.

4 *b.* Notwithstanding any other provision of state law to
5 the contrary, a member state shall submit a uniform data set
6 to the data system on all individuals to whom this compact
7 is applicable as required by the rules of the commission,
8 including all of the following:

9 (1) Identifying information.

10 (2) Licensure data.

11 (3) Adverse actions against a license or compact privilege.

12 (4) Nonconfidential information related to alternative
13 program participation.

14 (5) Any denial of application for licensure, and the reason
15 for denial.

16 (6) Other information that may facilitate the
17 administration of this compact, as determined by the rules of
18 the commission.

19 *c.* Investigative information pertaining to a licensee in any
20 member state shall only be available to other member states.

21 *d.* The commission shall promptly notify all member states of
22 any adverse action taken against a licensee or an individual
23 applying for a license. Adverse action information pertaining
24 to a licensee in any member state shall be available to any
25 other member state.

26 *e.* Member states contributing information to the data
27 system may designate information that may not be shared with
28 the public without the express permission of the contributing
29 state.

30 *f.* Any information submitted to the data system that is
31 subsequently required to be expunged by the laws of the member
32 state contributing the information shall be removed from the
33 data system.

34 10. *Rulemaking.*

35 *a.* The commission shall exercise its rulemaking powers

1 pursuant to the criteria set forth in this subsection and the
2 rules adopted thereunder. Rules and amendments shall become
3 binding as of the date specified in each rule or amendment.

4 *b.* If a majority of the legislatures of the member states
5 rejects a rule, by enactment of a statute or resolution in the
6 same manner used to adopt the compact within four years of the
7 date of adoption of the rule, the rule shall have no further
8 force and effect in any member state.

9 *c.* Rules or amendments to the rules shall be adopted at a
10 regular or special meeting of the commission.

11 *d.* Prior to promulgation and adoption of a final rule or
12 rules by the commission, and at least thirty days in advance
13 of the meeting at which the rule shall be considered and voted
14 upon, the commission shall file a notice of proposed rulemaking
15 in all of the following locations:

16 (1) On the internet site of the commission or other publicly
17 accessible platform.

18 (2) On the internet site of each member state audiology or
19 speech language pathology licensing board or other publicly
20 accessible platform or the publication in which each state
21 would otherwise publish proposed rules.

22 *e.* A notice of proposed rulemaking shall include all of the
23 following:

24 (1) The proposed time, date, and location of the meeting in
25 which the rule shall be considered and voted upon.

26 (2) The text of the proposed rule or amendment and the
27 reason for the proposed rule.

28 (3) A request for comments on the proposed rule from any
29 interested person.

30 (4) The manner in which interested persons may submit notice
31 to the commission of their intention to attend the public
32 hearing and any written comments.

33 *f.* Prior to the adoption of a proposed rule, the commission
34 shall allow persons to submit written data, facts, opinions,
35 and arguments, which shall be made available to the public.

1 *g.* The commission shall grant an opportunity for a public
2 hearing before it adopts a rule or amendment if a hearing is
3 requested by any of the following:

4 (1) At least twenty-five persons.

5 (2) A state or federal governmental subdivision or agency.

6 (3) An association having at least twenty-five members.

7 *h.* If a hearing is held on the proposed rule or amendment,
8 the commission shall publish the place, time, and date of
9 the scheduled public hearing. If the hearing is held via
10 electronic means, the commission shall publish the mechanism
11 for access to the electronic hearing.

12 (1) All persons wishing to be heard at the hearing shall
13 notify the executive director of the commission or other
14 designated member in writing of their desire to appear and
15 testify at the hearing not less than five business days before
16 the scheduled date of the hearing.

17 (2) Hearings shall be conducted in a manner providing each
18 person who wishes to comment a fair and reasonable opportunity
19 to comment orally or in writing.

20 (3) All hearings shall be recorded. A copy of the recording
21 shall be made available on request.

22 (4) Nothing in this paragraph "*h*" shall be construed as
23 requiring a separate hearing on each rule. Rules may be
24 grouped for the convenience of the commission at hearings
25 required by this paragraph "*h*".

26 *i.* Following the scheduled hearing date, or by the close
27 of business on the scheduled hearing date if the hearing was
28 not held, the commission shall consider all written and oral
29 comments received.

30 *j.* If no written notice of intent to attend the public
31 hearing by interested parties is received, the commission may
32 proceed with promulgation of the proposed rule without a public
33 hearing.

34 *k.* The commission shall, by majority vote of all members,
35 take final action on the proposed rule and shall determine the

1 effective date of the rule, if any, based on the rulemaking
2 record and the full text of the rule.

3 1. Upon determination that an emergency exists, the
4 commission may consider and adopt an emergency rule without
5 prior notice, opportunity for comment, or hearing, provided
6 that the usual rulemaking procedures provided in the compact
7 and in this section shall be retroactively applied to the rule
8 as soon as reasonably possible, in no event later than ninety
9 days after the effective date of the rule. For the purposes of
10 this provision, an emergency rule is one that must be adopted
11 immediately in order to do any of the following:

12 (1) Meet an imminent threat to public health, safety, or
13 welfare.

14 (2) Prevent a loss of commission or member state funds.

15 (3) Meet a deadline for the promulgation of an
16 administrative rule that is established by federal law or rule.

17 *m.* The commission or an authorized committee of the
18 commission may direct revisions to a previously adopted rule
19 or amendment for purposes of correcting typographical errors,
20 errors in format, errors in consistency, or grammatical
21 errors. Public notice of any revisions shall be posted on
22 the internet site of the commission. The revision shall be
23 subject to challenge by any person for a period of thirty days
24 after posting. The revision may be challenged only on grounds
25 that the revision results in a material change to a rule. A
26 challenge shall be made in writing and delivered to the chair
27 of the commission prior to the end of the notice period. If
28 no challenge is made, the revision shall take effect without
29 further action. If the revision is challenged, the revision
30 may not take effect without the approval of the commission.

31 11. *Oversight, dispute resolution, and enforcement.*

32 *a. Dispute resolution.*

33 (1) Upon request by a member state, the commission shall
34 attempt to resolve disputes related to the compact that arise
35 among member states and between member and nonmember states.

1 (2) The commission shall promulgate a rule providing for
2 both mediation and binding dispute resolution for disputes as
3 appropriate.

4 *b. Enforcement.*

5 (1) The commission, in the reasonable exercise of its
6 discretion, shall enforce the provisions and rules of this
7 compact.

8 (2) By majority vote, the commission may initiate legal
9 action in the United States district court for the District
10 of Columbia or the federal district where the commission has
11 its principal offices against a member state in default to
12 enforce compliance with the provisions of the compact and its
13 promulgated rules and bylaws. The relief sought may include
14 both injunctive relief and damages. In the event judicial
15 enforcement is necessary, the prevailing member shall be
16 awarded all costs of litigation, including reasonable attorney
17 fees.

18 (3) The remedies herein shall not be the exclusive remedies
19 of the commission. The commission may pursue any other
20 remedies available under federal or state law.

21 12. *Date of implementation of the interstate commission for*
22 *audiology and speech language pathology practice and associated*
23 *rules, withdrawal, and amendment.*

24 *a.* The compact shall come into effect on the date on
25 which the compact statute is enacted into law in the tenth
26 member state. The provisions, which become effective at
27 that time, shall be limited to the powers granted to the
28 commission relating to assembly and the promulgation of rules.
29 Thereafter, the commission shall meet and exercise rulemaking
30 powers necessary to the implementation and administration of
31 the compact.

32 *b.* Any state that joins the compact subsequent to the
33 commission's initial adoption of the rules shall be subject
34 to the rules as they exist on the date on which the compact
35 becomes law in that state. Any rule that has been previously

1 adopted by the commission shall have the full force and effect
2 of law on the day the compact becomes law in that state.

3 *c.* A member state may withdraw from this compact by enacting
4 a statute repealing the same.

5 (1) A member state's withdrawal shall not take effect until
6 six months after enactment of the repealing statute.

7 (2) Withdrawal shall not affect the continuing requirement
8 of the withdrawing state's audiology or speech language
9 pathology licensing board to comply with the investigative and
10 adverse action reporting requirements of this compact prior to
11 the effective date of withdrawal.

12 *d.* Nothing contained in this compact shall be construed
13 to invalidate or prevent any audiology or speech language
14 pathology licensure agreement or other cooperative arrangement
15 between a member state and a nonmember state that does not
16 conflict with the provisions of this compact.

17 *e.* This compact may be amended by the member states. No
18 amendment to this compact shall become effective and binding
19 upon any member state until it is enacted into the laws of all
20 member states.

21 13. *Construction and severability.*

22 This compact shall be liberally construed so as to
23 effectuate the purposes thereof. The provisions of this
24 compact shall be severable, and if any phrase, clause,
25 sentence, or provision of this compact is declared to be
26 contrary to the constitution of any member state or of the
27 United States or the applicability thereof to any government,
28 agency, person, or circumstance is held invalid, the validity
29 of the remainder of this compact and the applicability thereof
30 to any government, agency, person, or circumstance shall not be
31 affected thereby. If this compact shall be held contrary to
32 the constitution of any member state, the compact shall remain
33 in full force and effect as to the remaining member states and
34 in full force and effect as to the member state affected as to
35 all severable matters.

1 14. *Binding effect of compact and other laws.*

2 a. Nothing herein prevents the enforcement of any other law
3 of a member state that is not inconsistent with the compact.

4 b. All laws in a member state in conflict with the compact
5 are superseded to the extent of the conflict.

6 c. All lawful actions of the commission, including all rules
7 and bylaws promulgated by the commission, are binding upon the
8 member states.

9 d. All agreements between the commission and the member
10 states are binding in accordance with their terms.

11 e. In the event any provision of the compact exceeds the
12 constitutional limits imposed on the legislature of any member
13 state, the provision shall be ineffective to the extent of the
14 conflict with the constitutional provision in question in that
15 member state.>

16 2. Title page, line 1, after <compact> by inserting <and the
17 audiology and speech language pathology interstate compact>

18 3. By renumbering as necessary.